

United States Supreme Court, U. S.
FILED

SEP 20 1919

JAMES D. MAHER,
CLERK.

No. 370

Supreme Court of the United States

October Term, 1919

J. HARTLEY MANNERS,

Petitioner,

v.

OLIVER MOROSCO.

**On Writ of Certiorari to the United States Circuit
Court of Appeals for the Second Circuit**

**MOTION TO ADVANCE AND TO PLACE ON THE
SUMMARY DOCKET**

No. 370.

IN THE SUPREME COURT OF THE UNITED
STATES,

OCTOBER TERM, 1919.

J. HARTLEY MANNERS,
Petitioner,

v.

OLIVER MORESCO.

*ON WRIT OF CERTIORARI TO THE UNITED
STATES CIRCUIT COURT OF APPEALS
FOR THE SECOND CIRCUIT.*

MOTION TO ADVANCE AND TO PLACE ON THE SUMMARY
DOCKET.

To:

MESSRS. CHARLES H. TUTTLE and
WILLIAM KLEIN,
Counsel for Respondent.

Please take notice that on the record in the above-entitled matter, on file with the Clerk of the Supreme Court of the United States, the undersigned will submit a motion to the said Court, at the Court Room in the Capitol Building, in the City of Washington, District of Columbia, on the first Monday of October, 1919, at the opening of the Court on that day, or as soon thereafter as counsel can be heard, to advance this cause and place the same on the Summary Docket.

Dated, July 9th, 1919.

WALTER C. NOYES,
DAVID GERBER,
WM. J. HUGHES,
Counsel for Petitioner.

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*ON WRIT OF CERTIORARI TO THE UNITED
STATES CIRCUIT COURT OF APPEALS
FOR THE SECOND CIRCUIT.*

MOTION TO ADVANCE AND TO PLACE THE CASE ON THE
SUMMARY DOCKET.

Comes now the petitioner in the above-entitled cause by his counsel and moves the Court to advance the case for hearing at the present term and to place the same upon the summary docket.

The case involves the question whether a license contract to "produce, perform and represent" a copyrighted dramatic work, *i. e.*, the play "Peg O' My Heart", which contract contained provisions relating to "theatrical seasons"; for the payment of royalties on gross weekly box office receipts; for the production of the "play" in first-class theaters and on the road with a competent and satisfactory "company" and with a particular prominent actress in the title role; for rehearsals and production under the author's direction; providing that there should be

no alterations, eliminations or additions made in the play without the approval of the author; for its release to stock theaters in the event of failure in New York—all terms applicable to the spoken drama but not to moving pictures—and which is silent as to any transfer of motion picture rights, nevertheless conveyed those rights from the author to the licensee; and the further question whether the contract gave a license in perpetuity or for a limited time only.

Whether the screen rights pass from an author to a producer of the spoken drama under contracts similar to that involved in this case is of much consequence to a large number of authors and producers of plays and persons engaged in the moving picture industry, so that the case is one of general public interest. As the questions presented will not require extended argument, it is submitted that the case is a proper one to be advanced for hearing on the summary docket.

Notice of this motion has been served on opposing counsel.

WALTER C. NOYES,
DAVID GERBER,
WM. J. HUGHES,
Counsel for Petitioner.



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ON WRIT OF CERTIORARI TO THE CIRCUIT COURT OF
APPEALS FOR THE SECOND CIRCUIT.

**JOINT MOTION TO PLACE ON SUMMARY
DOCKET.**

Come now the parties to the above entitled cause by their respective counsel and jointly move the Court to place the same on the summary docket for early hearing.

Although a motion by petitioner to advance and place on the summary docket has heretofore been denied, counsel feel that this may have been due to the opposition of respondent thereto. The motion is now renewed for the following reasons:

On the argument before District Judge Mayer on the form of decree to be entered in favor of the

plaintiff, in *Manners v. Famous Players-Lasky Corporation*, the attention of the court was called to the fact that an application was made to place this cause upon the summary docket, which was denied because of the opposition of the respondent. Judge Mayer suggested that it was desirable that this cause be brought to as speedy a hearing as possible, because of the many questions arising in the courts out of disputes between authors of plays and producing managers of stage plays, and producers of motion picture photoplays. Judge Mayer said that he thought opposition to advance the case should be withdrawn and all counsel should cooperate in asking the Supreme Court to place the case on the summary docket.

As the case is one which will not require extended argument, both parties now feel that the time of the Court will be saved and the interests of all concerned subserved by a hearing on the summary docket when called.

Respectfully submitted,

DAVID GERBER,

WILLIAM J. HUGHES,

Of counsel for Petitioner.

CHARLES H. TUTTLE,

Of counsel for Respondent.

NATHAN BURKAN,

Of counsel for Respondent's Licensee.

Famous Players-Lasky Corporation.